



1646 P#4  
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PATENT

Docket No. 2710-4007US2

TECH CENTER 1600/PS00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Michael B. CHANCELLOR et al.  
Serial No. : 09/549,937 Group Art Unit: 1646  
Filed : April 14, 2000 Examiner: TBA  
For : **Soft Tissue and Bone Augmentation and Bulking Utilizing  
Muscle-derived Progenitor Cells, Compositions and Treatments  
Thereof**

Commissioner of Patents  
Washington, D.C. 20231

**CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))**

Sir:

I hereby certify that the following attached papers and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231:

- 1) Information Disclosure Statement (3 pages);
- 2) PTO 1449 Forms listing 55 references (7 pages);
- 3) Copies of 55 references listed;
- 4) Return Postcard.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: August 9, 2000

By:

Leslie A. Serunian

Reg. No. 35,353

**Correspondence Address:**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Serial No : 09/549,937 Examiner: To Be Assigned  
Filed : April 14, 2000  
For : Soft Tissue and Bone Augmentation and Bulking Utilizing Muscle-derived Progenitor Cells, Compositions and Treatments Thereof

**INFORMATION DISCLOSURE STATEMENT**

COMMISSIONER OF PATENTS  
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:  

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2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

- ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application or filing date of the continued prosecution application filed on \_\_\_\_\_; or
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits, whichever event occurred last.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 13-4500. Order No. \_\_\_\_\_. A  
DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. ☐ one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. ☐ the attached petition requesting consideration of this Information Disclosure Statement; and
- c. ☐ the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue;
- b. ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To withdraw Application From Issue.
- c. ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.
9. ☐ I hereby certify that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

- ☐ I hereby certify that no item of information in the Information Disclosure Statement field herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after make reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under C.F.R. §1.17(i)(1).

- ☐ Charge the fee due under C.F.R. §1.17(i)(1) to Deposit Account No. 13-4500. Order No. \_\_\_\_\_ A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

- ☒ The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500. Order No. 2710-4007 US2. **A DUPLICATE COPY OF THIS SHEET IS ATTACHED.**

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: August 9, 2000

By: Leslie A. Serunian  
Leslie A. Serunian  
Registration No. 35,353

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FORM: IDS.NY  
Rev. 05/26/98